

Larry Wasserman 4/11/2006

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

11
12 DEPOSITION UPON ORAL EXAMINATION
13 OF
14 LARRY WASSERMAN

15
16

April 11, 2006

23 JACQUELINE L. BELLWS
CCR 2297

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1 again, please.

2 Q The last paragraph on page 806 on Exhibit 10 says that
3 you looked at 33 blocking culverts. Do you know whether
4 any of those have been corrected since 1994?

5 A Yes. I know some of them have been corrected since
6 1994.

7 Q Do you know who owned those culverts that had been
8 corrected?

9 A Well, I know that the county had a program in -- around
10 that time where they were working on culverts. I don't
11 recall if there were exclusively county-owned culverts
12 that they corrected. And I know that early in the SERF
13 Board projects there were culverts corrected. But I
14 don't know who owned those culverts. I can't recall
15 specific culverts and the ownership of that culvert.

16 Q I take it, then, that you would not be able to say
17 whether any of those 33 culverts, that any of the
18 culverts in that set of 33 that have been corrected were
19 state owned?

20 A At this time, I can't.

21 Q On pages 806 and 807 on Exhibit 10, there are some
22 diagrams labeled figures IV and V.

23 A Yes.

24 Q Do those figures fairly represent the impacts on coho
25 smolt production in the Skagit River system from habitat

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1 modification?

2 A They fairly do. However, there has been additional
3 culvert surveys and additional work in general. So they
4 generally reflect the proportions of these different
5 impacts.

6 Q The other factors that are shown in these figures --
7 hydromodification, forest practices, hydropower -- are
8 those factors being actively addressed in the Skagit
9 watershed?

10 A Yes, they are.

11 Q How much has hydromodification changed in the Skagit
12 River basin since you wrote this 1994 paper?

13 A I'm not sure how to answer the question when you say
14 "how much" has it changed.

15 Q Have the impacts on coho smolt production from
16 hydromodification diminished since 1994?

17 A I believe they have.

18 Q Why do you believe that?

19 A We have been quite involved in addressing some of the
20 factors that are resulting in hydromodification. And
21 activities that took place prior to 1994 that resulted
22 in damage in some instances have recovered on their own,
23 in some instances. And so in total, I think the -- we
24 have been able to address some of those issues; and
25 cumulative, that's had positive impacts.

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1 A Not that I'm aware of at this time.

2 Q Are you aware of any culverts owned by local governments
3 whose repair or replacement you believe could positively
4 affect anadromous fish populations in the Skagit River
5 basin?

6 A Again, I'd refer to document Exhibit 13 as -- and I
7 don't know the current status, but there's a list of
8 county and some private culverts there. I just don't
9 know the status of all.

10 Q Of the four types of landowners we just talked about:
11 State, federal, county, private -- which -- culverts by
12 which of those entities are the bigger problem, in your
13 opinion?

14 A I haven't done that analysis.

15 Q Are you aware of any state-owned culverts, any
16 particular state-owned culverts in the Sammish River
17 basin whose repair or replacement you believe could
18 positively affect anadromous fish populations?

19 A There was a culvert at Ennis Creek that was -- oh, I'm
20 sorry. Was your question specific to state-owned
21 culverts or culverts in the Sammish?

22 Q State owned.

23 A I don't recall the ownerships of the culverts in the
24 Sammish.

25 Q You were about to identify one at Ennis Creek. You're

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1 C E R T I F I C A T E

2 STATE OF WASHINGTON)
3) SS
4 COUNTY OF KING)

5 I, Jacqueline L. Bellows, a Notary Public in and for
6 the State of Washington, do hereby certify:

7 That the foregoing deposition was taken before me at
8 the time and place therein set forth;

9 That the witness was by me first duly sworn to
10 testify to the truth, the whole truth, and nothing but the
11 truth; and that the testimony of the witness and all
12 objections made at the time of the examination were recorded
13 stenographically by me, and thereafter transcribed under my
direction;

14 That the foregoing transcript is a true record of
15 the testimony given by the witness and of all objections made
16 at the time of the examination, to the best of my ability.

17 I further certify that I am in no way related to any
18 party to this matter nor to any of counsel, nor do I have any
19 interest in the matter.

20 Witness my hand and seal this 25th day of
21 April, 2006.

22 _____
23 Jacqueline L. Bellows, Notary
24 Public in and for the State
of Washington, residing at
Arlington. Commission
25 expires October 19, 2006.